

DEFENDANT'S
EXHIBIT
334
U.S. v. Moussaoui
Cr. No. 01-455-A

From: Catherine Kiser
To: HARVEY SAMIT, HARVEY
Date: 09/10/01 3:45PM
Subject: Re: Request Emergency FISA Search Warrant

Harry:

thanks for the update. Very sorry that this matter was handled the way it was, but you fought the good fight. God Help us all if the next terrorist incident involves the same type of plane.

take care
Cathy

>>> HARVEY SAMIT 09/10 3:38 PM >>>
Cathy,

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ITO S/RFU SSA Matlib has determined that we do not have enough for either a criminal search warrant or a FISA search warrant of Moussaoui's computer. We did not pursue this further because they have directed that this is an INS matter and that the "FBI does not have a dog in this fight". Of course, I strongly disagree.

The current plan is to deport Moussaoui to France. [REDACTED] has advised that they have the legal authority to hold Moussaoui and search his effects. This option was a distant third in my list of desired outcomes, but at this point I am so desperate to get into his computer, I'll take anything.

My big fear is that the French will determine that most, if not all of Moussaoui's criminal activity occurred outside France and they have no ability to convict (he's lived in the UK since circa 1985). In that case, he walks. I don't know if they'll have to return his property in this case (including the 747 flight manuals), but it seems possible.

The current wrangle with ITC/S/RFU is over whether John Weiss (our INS co-case Agent) and I can go to France to be present for the search. LEGAT Paris relayed [REDACTED] request for FBI personnel to do just that, but RFU is opposed.

I'll keep you posted, but I am not optimistic. Thanks for your help and assistance!

Take care,
Harry

>>> Catherine Kiser 09/10/01 01:55PM >>>
Harry:

Did you ever get anything that you could use to get the Search Warrant? I didn't hear back from you and I figured that you were OK.

Take care,
Cathy

10/17/01

MI-MP1-70000039

Declassified by: US-CIA
10-15-06
R. JES/60